

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5557 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

INDRADUTT RAMAKANT SHUKLA

Versus

DISTRICT SUPDT OF POLICE

Appearance:

MR YN OZA for Petitioner

Mr.Digant P. Joshi, AGP for Respondents.

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 18/02/2000

ORAL JUDGEMENT :

This Special Civil Application is filed by the petitioner, who joined as a Constable in the year 1960 and thereafter came to be promoted as IInd Grade Head Constable in 1968. The petitioner has filed the present Special Civil Application challenging the action of the respondent authorities of not granting two grace marks to the petitioner in third paper of the departmental examination which was held in the year 1983 for preparing a list of successful candidates from the Head Constables for the post of Police Sub Inspector. The petitioner relied upon a Resolution of the Government of Gujarat in General Administration Department bearing No.EXM/ 1265/ 273/ K, dated 1.1.1973, a copy of which is not produced

along with this petition. However, the same is made available for perusal of the Court by the learned AGP.

2. The petition is misconceived inasmuch as the petitioner is seeking two grace marks in third paper, in addition to 10 grace marks, which he will be falling short of, if maximum 10 grace marks are given under the Rules. The petitioner has mentioned in para 3 of the petition that he has secured;

185 marks out of 300 in First Paper,
105 marks out of 200 in Second Paper, and
078 marks out of 200 in Third Paper.

Looking to the provisions of clause IV of the Government Resolution even if he is entitled he can get maximum 10 grace marks. If the said 10 grace marks are added to the marks secured by the petitioner in Third Paper, the total comes to $78 + 10 = 88$, then also he does not reach to minimum requirement of 45 % in the said Paper. The petitioner wants additional two grace marks over and above 10 grace marks for which there is no provision in the Government Resolution. The petitioner is not able to substantiate his prayer and hence the petition fails. It stands dismissed. Rule is discharged with no order as to costs.

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